

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-against-

STEVEN M. GALLAGHER, a/k/a
“Alexander DeLarge 655321,”

Defendant.

21 CV 08739 (PKC)(GWG)

~~PROPOSED~~ **PROTECTIVE ORDER CONCERNING PRIVACY INFORMATION**

WHEREAS, the parties to this action are beginning discovery and have agreed to abide by the terms of this proposed Protective Order concerning the treatment of personal privacy information;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

1. **Scope.** All documents produced in the course of discovery, including initial disclosures, all responses to discovery requests, all deposition testimony and exhibits, other materials that may be subject to restrictions on disclosure for good cause and information derived directly therefrom (hereinafter collectively “documents”), shall be subject to this Order concerning personal privacy information as set forth below. The Order is also subject to the Local Rules of this District and the Federal Rules of Civil Procedure (“Rules”) on matters of procedure and calculation of time periods.

2. **Privacy Information.** The term “Privacy Information” shall mean documents containing an individual’s social security number or taxpayer identification number (other than only the last four digits thereof), an individual’s birth date (other than only the year of the individual’s

birth), the name of an individual known to be a minor (other than only the minor's initials), or a financial account number (other than only last four digits thereof). With regard to Privacy Information that any party has obtained during the course of discovery in this case, that party will not disclose or use such Privacy Information other than for purposes of litigating this case, subject to the following exceptions:

(a) The Order shall not limit or restrict the Commission from using or disclosing Privacy Information to the extent otherwise required by law or permitted pursuant to the terms of Commission Form 1662.

(b) The Order shall not limit or restrict the Defendant from using or disclosing the Privacy Information in the related criminal case currently pending against him in the Southern District of New York, subject to Defendant's obligation to comply with Federal Rule of Criminal Procedure 49.1 and any and all other obligations concerning use of such information in the related criminal case.

(c) The Order shall not apply to Privacy Information that any party obtained or obtains independently of materials produced or provided to it as part of discovery in this case.

(d) The Order shall not limit or restrict the ability to file Privacy Information in this case, or present, disclose, or use Privacy Information at trial, depositions, hearings or other proceedings in this case, subject to paragraph 3 below.

(e) The Order shall not alter the parties' obligations to comply with the requirement of Local Civil Rules 5.2(a) and (b).

3. No Prior Judicial Determination. This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery.

Nothing herein shall be construed or presented as a judicial determination that any documents or information containing Privacy Information are subject to protection under Rule 26(c) or otherwise until such time as the Court may rule on a specific document or issue.

4. No Admission. Nothing in this Order operates to create an admission by any party that any material disclosed in this case is relevant or admissible. Each party specifically reserves the right to object to the use or admissibility of all material disclosed, in accordance with applicable law and Court rules.

5. Persons Bound. This Order shall take effect when entered and shall be binding upon the parties, their counsel, and persons made subject to this Order by its terms.

STIPULATED AND AGREED BY:

Dated: New York, NY
December 7, 2021


/s/ Kevin P. McGrath
Kevin P. McGrath
SECURITIES AND EXCHANGE
COMMISSION
200 Vesey Street, Suite 400
New York, NY 10281-1022
(212) 336-0533 (McGrath)
mcgrathk@sec.gov

Dated: New York, NY
December 7, 2021

/s/ Eric Rosen
Eric Rosen
ROCHE FREEDMAN LLP
470 Atlantic Ave., Fl. 4
Boston, Massachusetts 02210
(617) 977-4163
erosen@rochefreedman.com
Attorney for Defendant Steven M. Gallagher

IT IS SO ORDERED.

Dated: December 7, 2021.


Honorable P. Kevin Castel
United States District Judge